

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MICHAEL WEST, )  
 )  
Petitioner, )  
 )  
v. ) No. 4:07CV01466 ERW  
 )  
ALAN STAHL, )  
 )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court for initial review of petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. After reviewing the petition, the Court finds that it should be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Under 28 U.S.C. § 2254(b)(1),

An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

(A) the applicant has exhausted the remedies available in the courts of the State . . .

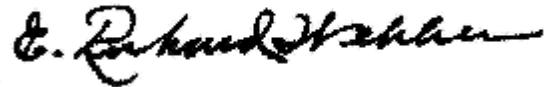
It is clear from the face of the petition that petitioner did not pursue post-conviction relief in the state trial court or the Missouri Court of Appeals. As a result, petitioner has not exhausted his available state remedies, and it plainly appears that petitioner is not entitled to relief.

Accordingly,

**IT IS HEREBY ORDERED** that West's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

So Ordered this 18th Day of October, 2007.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE